

Town Board Minutes

Meeting No. 17

Regular Meeting

July 7, 2000

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Meeting No. 17

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 7th day of July 2000 at 3:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
GEORGETTE PELLETTERIE, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Symer, Donald, 610 Columbia, Avenue, spoke to the Town Board on the following matter:

- Question re: Resolution #17 related to proposed garage sale ordinance. Hopes that the proposed ordinance is sufficient to protect the Town residents. Applauds the Town for this effort.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Concerns re: resolution #5 - POW/MIA flags. He is in favor of flying said flag.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questions re: suspended resolution to approve the PILOT agreement between the Town of Lancaster, H & H Housing and the County of Erie.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on June 19, 2000 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase II,

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 512, 513, 514 and 515 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No 512 (Detention Basin)	Summerfield Farms Phase II detention basin.
P.I.P. No. 513 (Storm Sewers)	Summerfield Farms Phase II - 1,281 LF of 12" pipe, 517 LF of 15" pipe, 440 LF of 18" pipe, 7 man holes, 12 receivers, 1,778 LF of 6" pipe, 338 LF of 8" pipe, and 30 rear yard receivers.
P.I.P. No. 514 (Pavement & Curbs)	Summerfield Farms Phase II - 2,445 ± LF of pavement and curbs.
P.I.P. No. 515 (Water Line)	Summerfield Farms Phase II - 600 LF of 8" pipe, 1927 LF of 10" pipe, 4 hydrants, and 7 valves.

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTIERE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
June 19, 2000, has requested the addition of the following members to the membership roster of
said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department, of the following
individuals:

ADDITIONS:

Nathan Borowicz
11337 Broadway
Alden, New York 14004

Daniel Weigand
5601 William Street
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER PELLETTERIE VOTED YES

COUNCIL MEMBER STEMPIAK VOTED YES

COUNCIL MEMBER ZARBO WAS ABSENT

SUPERVISOR GIZA VOTED YES

July 7, 2000

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the lease for the Xerox copiers now placed in town
departments is now expired, and

WHEREAS, the General Crew Chief of the Department of Parks, Senior
Facility and Buildings and Grounds of Town of Lancaster has reviewed the New York State
Contract for availability of copiers and has evaluated those available and reported his findings to
the Town Board, and

WHEREAS, the Town Board has reviewed and considered the needs of
the Town and the availability of copiers under New York State Contract (State Bid) through
which the Town can lease/purchase;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes the Supervisor of the Town of Lancaster to enter into a contract to lease/purchase
thirteen (13) Konica 7033 Models, with ten (10) being standard readiness and three (3)
including computer networking capabilities from State Bid through Copier Fax Business
Technologies to replace the present copiers.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: rcopys.700

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the United States Congress has enacted various legislative acts which require the display of the POW/MIA flag, and

WHEREAS, the display of the POW/MIA flag now serves as (1) the symbol of the Nation's concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for, and (2) also as a symbol of the Nation's commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

WHEREAS, the Town Board of the Town of Lancaster has given due review and consideration of the policies and procedures set forth by the United States Congress.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. Recognizing that we Americans owe everything to the men and women who now serve, and who have served in our Armed Forces, and
2. Remembering especially those members of our Armed Forces who gave their lives to keep America free, and
3. Acknowledging that there are many, many men and women of our Armed Forces who have never been accounted for properly, and
4. That the Town of Lancaster Town Board with reverence for our American POW's and MIA's and their families, hereby designate Memorial Day and Veteran's Day as days when the MIA flag will be flown in an appropriate fashion with the American flag at the Town of Lancaster Town Hall.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief, by letter dated June 28, 2000, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2000, and

WHEREAS, a vacancy exists due to previously appointed employees declining this position.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of seasonal employees for the spring and summer season of 2000 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Jody Hillman (new hire) 26 Donna Lea Drive Lancaster, New York	Recreation Attendant	\$5.15 hr.
Brian Stanek (new hire) 427 Lake Avenue Lancaster, New York	Laborer	\$5.15 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: Rpers.seasonal (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been advised by the Town Police Department of the police department's need to know in advance the date of yard/garage sales within the Town in order to plan for traffic control and public safety, and

WHEREAS, the Town Board after due review deems it in the public interest to provide such information to the police department, and

WHEREAS, the Town Board further deems it in the public interest to amend the Code of the Town of Lancaster by the enactment of a Town Ordinance entitled "Yard Sales" and further identified as Chapter 49 of said Code;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a Public Hearing on the adoption of an Ordinance entitled, "Yard Sales" and designated as Chapter 49 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York at 8:30 o'clock P.M., Local Time, on the 7th day of August, 2000, and that Notice of the Time and Place of such hearing shall be published in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board in the form attached hereto and made a part hereof, which Ordinance shall read as follows:

CHAPTER 49
YARD SALES

§49-1. Intent.

§49-2. Application for permit.

§49-3. Permit fee.

§49-4. Limitation.

§49-5. Posting of signs.

§49-6. Location of sale(s).

§49-1. Intent.

This ordinance is designed to provide a mechanism to obtain further information regarding the date(s) and location(s) for yard sales, garage sales, estate sales, auctions or other sales occurring on residential property within the Town of Lancaster in order that the Town may put in place the appropriate traffic control and public safety measures the Town Police Department deems advisable.

§49-2. Application for permit.

All parties desiring to hold a sale of personal property of any kind whatsoever where the public is invited onto a residential site shall obtain a permit from the Town Clerk's Office of the Town of Lancaster at least 48 hours prior to the sale date(s).

§49-3. Permit fee.

There shall be no permit fee for the issuance of such permit.

§49-4. Limitation.

A sale at any one location shall be limited to:

- (a) No more than two (2) times in a twelve (12) month period and at least thirty (30) days apart, and
- (b) No more than three (3) consecutive days.

§49-5. Posting of signs.

All signs posted advertising such a sale must be temporary in nature and must be removed immediately after the sale ends. Failure to remove signs in a timely fashion may be reason to deny a future permit.

§49-6. Location.

The permit application shall identify the owner of property, the address of the property, the dates and times of the sale. In the event that more than One property is involved in the sale such as in a neighborhood or block sale, there shall be the need for only one permit to be issued identifying all of the addresses involved in the sale.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: ryrdslh.700

**LEGAL NOTICE
PUBLIC HEARING
CODE AMENDMENT
CHAPTER 49 - YARD SALES
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of July, 2000, the said Town Board will hold a Public Hearing on the 7th day of August, 2000 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue to hear all interested persons upon a proposed Ordinance, entitled "Yard Sales" and designated as Chapter 49 of the Code of the Town of Lancaster, as follows:

**CHAPTER 49
YARD SALES**

- §49-1. Intent.**
- §49-2. Application for permit.**
- §49-3. Permit fee.**
- §49-4. Limitation.**
- §49-5. Posting of signs.**
- §49-6. Location of sale(s).**

§49-1. Intent.
This ordinance is designed to provide a mechanism to obtain further information regarding the date(s) and location(s) for yard sales, garage sales, estate sales, auctions or other sales occurring on residential property within the Town of Lancaster in order that the Town may put in place the appropriate traffic control and public safety measures the Town Police Department deems advisable.

§49-2. Application for permit.
All parties desiring to hold a sale of personal property of any kind whatsoever where the public is invited onto a residential site shall obtain a permit from the Town Clerk's Office of the Town of Lancaster at least 48 hours prior to the sale date(s).

§49-3. Permit fee.
There shall be no permit fee for the issuance of such permit.

§49-4. Limitation.
A sale at any one location shall be limited to:
(a) No more than two (2) times in a twelve (12) month period and at least thirty (30) days apart, and
(b) No more than three (3) consecutive days.

§49-5. Posting of signs.

All signs posted advertising such a sale must be temporary in nature and must be removed immediately after the sale ends. Failure to remove signs in a timely fashion may be reason to deny a future permit.

§49-6. Location.

The permit application shall identify the owner of property, the address of the property, the dates and times of the sale. In the event that more than one property is involved in the sale such as in a neighborhood or block sale, there shall be the need for only one permit to be issued identifying all of the addresses involved in the sale.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

July 7, 2000

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER PELLETTERIE, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
June 28, 2000, has recommended appointments for the Youth Bureau's 2000 Summer Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to
positions in the Youth Bureau's 2000 Summer Programs of the Town of Lancaster effective
June 28, 2000 at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Dawn Marlinski (new) 70 Impala Parkway Lancaster, New York	Tutor	\$10.00 hr.
Colleen Pazderski (new) 62 Pheasant Run Lane Lancaster, New York	Tutor	\$10.00 hr.
Melissa Gruttaria (new) 4264 Connection Drive Williamsville, New York	Tutor - Middle School Skills Building Program	\$15.00 hr.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: Rpers.seasonal (P2-3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by
the Director of Administration and Finance, to wit:

Claim No. 2836 to Claim No. 3051 Inclusive

Total amount hereby authorized to be paid: \$741,944.43 .

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
7032		Windsor Ridge Ptns	10 Windcroft Ln	Er. Sin. Dwlg
7033		Great Lakes Mach Inc	4 Lancaster Pkwy	Er. Com. Bldg
7034		Walnut Creek JT Vent	6 Walnut Creek Trl	Er. Sin. Dwlg
7035		Massino, David	170 Pavement Rd	Er. Fireplace/Stove
7036		Brookhaven Apt Homes	5844 Broadway	Er. Garage
7037		Huefner, Jerome	589 Central Ave	Er. Pool
7038		Brookhaven Apt Homes	5844 Broadway	Er. Garage
7039		Brookhaven Apt Homes	5844 Broadway	Er. Garage
7040		MacAlpin, Joseph	274 Broezel Ave	Er. Shed
7041		MacAlpin, Joseph	274 Broezel Ave	Er. Fence
7042		Gerber, Francis	17 Country Pl	Er. Pool
7043		Chodkowski, Keith	49 Village View	Er. Deck
7044		Jones, Marty	29 Whitestone Ln	Er. Shed
7045		Scott, Thomas	40 Signal Dr	Er. Pool
7046		Kulbacki, D A	30 Hillside Pky	Res. Alteration
7047	VOID	Siejakowski, Brian	39 Southpoint Dr	Er. Fence
7048		Smith, Jeffrey	81 Michael Anthony Ln	Er. Deck
7049		Smith, Jeffrey	81 Michael Anthony Ln	Er. Fence
7050		Kowalenko, Thaddeus	288 Enchanted Forest N	Er. Deck
7051		Morris, Donald	113 Main St	Er. Pool
7052		Romano, Michael	15 Windcroft Ln	Er. Deck
7053		Sauer, John	4917 William St	Er. Temp Sign
7054		DiFranco, Wesley	428 Ransom Rd	Er. Sin. Dwlg
7055		Scherbak, Paul	35 Grafton Ct	Er. Deck
7056		Cybulski, Kenneth	41 Country Pl	Er. Fence
7057		Walczyk, Robert	20 Candlestick Ct	Er. Pool
7058		Borkowski, David	28 Schiffler Ct	Er. Sin. Dwlg
7059		Kuehlewind, Charles	17 Running Brk Dr	Er. Deck
7060		Meidinger, Barbara	61 Gale Dr	Er. Pool
7061		Gianni, Dean	53 Trentwood Trl	Er. Fence

7062	Maurer, Roseann	1 Primrose Ln	Er. Pool
7063	Josker, Mark	2 Queen's Way	Er. Fence
7064	Heimn, John	235 Pavement Rd	Er. Fence
7065	Bosse, A & Wolf, M	47E Home Rd	Er. Sin. Dwlg
7066	Ferry, Walter	177 Nathan's Trl	Er. Sin. Dwlg
7067	Searer, Thomas	76 Williamsburg Ln	Er. Pool
7068	Brookhaven Apt Homes	5844 Broadway	Er. Res. Apartment
7069	People Sve to Dev	96 Pleasant View Dr	Res. Alteration
7070	Cutrona, Thomas	316 Enchanted Forest N	Er. Shed
7071	Ozimek, Scott	49 Signal Dr	Er. Pool
7072	Allison, Helms	36 Sagebrush Ln	Er. Deck
7073	Rappold Rencee	4 Kennedy Ct	Er. Deck
7075	Kozlowski, Robt	473 Aurora St	Er. Temp. Sign
7076	Kozlowski, Robt	473 Aurora St	Er. Temp. Sign
7077	Ferry, Walter	7 Katelyn Ln	Er. Sin. Dwlg
7078	O'Brien, Patrick	116 Pheasant Run Ln	Er. Fence
7079	Meegan, Paul	43 Gale Dr	Er. Pool
7080	Moretta, Linda	1 Sagebrush Ln	Er. Shed
7081	Domino, Thomas	115 Spohn Dr	Res. Alteration
7082	Scharmach, Paul	17 Old Orchard Comm	Er. Fence
7083	Pleasantview Assoc	7 Westbury Ln	Er. Sin. Dwlg
7084	Marrano/Marc Equity	23 Farmview Ct	Er. Sin. Dwlg
7085	Marrano/Marc Equity	61 Trentwood Trl	Er. Sin. Dwlg
7086	Coffelt, Dana	3 Clermont Ct	Er. Sin. Dwlg
7087	RJF Development	4 Parkedge Dr	Er. Sin. Dwlg
7088	Skubish, Zenon	42 Fox Hunt Rd	Er. Fence
7089	Burka, James	131 Belmont St	Er. Fence

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

File:Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

Suspension Granted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, H H Housing, Inc., 357 Oakwood Avenue, East Aurora, New York 14052, on behalf of a limited partnership to be formed under Article V of the Private Housing Finance Law, has proposed a multi-family housing project containing eighty-six (86) residential rental units designed for occupancy by Senior Citizens of low and moderate income, the project known as "Woodland Place", and

WHEREAS, the proposed project constitutes a project as defined in Section 105 of the Article V of the New York Private Housing Finance Law ("PHFL"), and

WHEREAS, the project will obtain financial assistance from the New York State Housing Finance Agency ("HFA") under a program designed to assist in the development and operation of housing for persons and families of low income and is eligible to receive an allocation of federal low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986; and

WHEREAS, in August 1998, the County of Erie has adopted a policy on Payment in Lieu of Taxes ("PILOT") for Housing for Low and Very Low Income Households which the Town Board has reviewed and is familiar with, which policy recognizes the need to provide predictability and standardization to allow developers to be more competitive in securing limited government funding, and

WHEREAS, the Town Board of the Town of Lancaster has given due review and consideration to the request of HH Housing, Inc., to provide a form of PILOT as available under the County of Erie policy whereby the developer would be granted a PILOT which would equal five percent (5%) of the housing project's total effective income with a three percent (3%) escalator applied in each successive year of the fifteen (15) year PILOT, and under which seventy-five percent (75%) of the beforementioned PILOT payment would be paid to the Town of Lancaster and twenty-five percent (25%) to the County of Erie, and

WHEREAS, the Town Board approved the zoning change on January 18, 2000, to accommodate the proposed plan for development of this apartment complex;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a Property Tax Exemption Agreement with HH Housing, Inc., and the County of Erie for the project known as "Woodland Place" situate on the south side of William Street, east of Transit Road, which Agreement will provide for exemption from local and municipal taxes, including school taxes, but specifically excluding assessments for local improvements, one hundred percent (100%) of the increased assessed value of the real property, both land and improvements, included in the project which represents an increase over the assessed valuation of the premises at the time of acquisition; and

BE IT FURTHER

RESOLVED, that pursuant to §112 (1) PFHL, the Supervisor and Town Board have determined that the acquisition of the real property by the redevelopment company is necessary or convenient for the public purpose defined in Article V, PFHL.

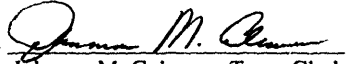
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

July 7, 2000

ADJOURNMENT:

**On MOTION OF COUNCIL MEMBER STEMPIAK AND
SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was
adjourned at 3:42 P.M.**

Signed 
Johanna M. Coleman, Town Clerk